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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,941	09/29/2003	Mark Bernard Hetlich	2003P0806SUS	1646
7590 09/18/2008				
Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				
EXAMINER				
FEARER, MARK D				
ART UNIT		PAPER NUMBER		
2143				
MAIL DATE		DELIVERY MODE		
09/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,941

Applicant(s)

HETTISH ET AL.

Examiner

MARK D. FEARER

Art Unit

2143

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicant's Request for Continued Examination filed 22 July 2008 is acknowledged.
2. Applicant's Amendment filed 22 July 2008 is acknowledged.
3. Claims 1, 14, 18 and 23-24 have been amended.
4. Claims 12 is cancelled.
5. Claims 1-11 and 13-24 are pending in the present application.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 and 13-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (US 20030110212 A1).

Consider claims 1, 18 and 23-24. Lewis discloses a system and method, comprising: receiving a request from an application to provide an outgoing message to a destination address (“In the example of step 3206, network applications receive the provisioning event. The provisioning event may be transmitted to other network applications such as the DART or the RAVE via backbone provisioning transport 2816 and network database business logic adaptor 2828. Alternatively, the provisioning event may be transmitted directly to the various network entities such as the RAVE and the DART. In the example of FIG. 32, the provisioning event is transmitted from provisioning system 2808 via backbone provisioning transport 2816, network database business logic adaptor 2828, backbone integration transport 132, to network data business logic 2876. In an alternate embodiment of the present invention, the provisioning event may be transmitted from provisioning system 2808 to network database business logic 2876 in any convenient manner.”) paragraph 0429 (“The routing request generated by processor 220 may include the origination address, destination address, and a unique transaction identification that identifies the message.”) paragraph 0107), said request including data indicative of a message, a said destination address, and an outgoing

message type; converting said message to said outgoing message in a format compatible with said outgoing message type, said outgoing message format being a different format than the message; sending said outgoing message to said destination address; and providing, in reply to said request ("The messaging interface 210 communicates with the processor 220. Regarding messages incoming from the messaging interface 210, the processor 220 operates to translate messages between the messaging element 205 format or protocol and the common format utilized on the network transport bus 125. In addition, the processor 220 generates routing requests to a router, generally a RAVE 130. In order to generate a routing request, the processor 220 may, for example, parse the incoming message from the message interface 210 to retrieve an originating address and a destination address from the incoming message. The routing request generated by processor 220 may include the origination address, destination address, and a unique transaction identification that identifies the message. The processor 220 receives a routing response via the network transport bus interface 230 that contains routing information for the received message. Based on that routing response, the processor 220 operates to route messages received from the messaging interface 210 to an appropriate destination.") paragraph 0107), a response to said application indicative of a success of said sending of said outgoing message to said destination address ("The message device status table stores message and device information. In this example, the message device status table contains device type information, a routing identifier, device status, completion date, query attempts, retry attempts, the number of segments of a multi-segment message that were delivered

successfully, and the number of segments of a multi-segment message that were not delivered successfully. The device type information, for example, includes the type of device and any relevant associated characteristics. The routing identifier, for example, may be a string that denotes a particular route to be traveled by a message. Device status information may include information about whether a particular device is turned on or is in use. Query attempts and retry attempts, in this example, refer to the number of query attempts made on a message and the number of attempts made at delivery, respectively. Likewise, the number of segments of a multi-segment message delivered successfully and unsuccessfully are stored so that multi-segment messages may be properly delivered. In this example, the message device status table has as its foreign key a message identifier. In this manner, the message device status table references message store table for message information.") paragraph 0224).

Consider claim 2, as applied to claim 1. Lewis discloses a method further comprising: establishing a protocol for receiving data indicative of a message to be sent to a destination address (paragraph 0127).

Consider claim 3, as applied to claim 2. Lewis discloses a method wherein said protocol includes parameters for outgoing message type and destination address (paragraph 0127).

Consider claim 4, as applied to claim 2. Lewis discloses a method wherein said protocol includes parameters for incoming message type and sender address (paragraph 0298).

Consider claim 5, as applied to claim 2. Lewis discloses a method wherein said protocol includes a parameter for a service provider to be used to send said outgoing message (paragraph 0245).

Consider claim 6, as applied to claim 2. Lewis discloses a method wherein said protocol includes a parameter for a maximum size of said outgoing message (paragraph 0225).

Consider claim 7, as applied to claim 1. Lewis discloses a method wherein said data is indicative of an address associated with a sender of said message (paragraph 0298).

Consider claim 8, as applied to claim 1. Lewis discloses a method wherein said data is indicative of a service provider to use in said sending said outgoing message to said destination address (paragraph 0245).

Consider claim 9, as applied to claim 8. Lewis discloses a method wherein said sending said outgoing message to said destination address includes sending said

outgoing message to said destination address via said server provider (paragraph 0245).

Consider claim 10, as applied to claim 1. Lewis discloses a method wherein said data is indicative of a maximum size for said outgoing message (paragraph 0225).

Consider claim 11, as applied to claim 10. Lewis discloses a method wherein said converting said message to an outgoing message in a format compatible with said outgoing message type includes converting said message into said outgoing message such that said outgoing message does not exceed said maximum size (paragraphs 0098 and 0225).

Consider claim 13, as applied to claim 1. Lewis discloses a method further comprising: sending a response message to said application, said response message being indicative of an error in delivery of said outgoing message to said destination address (paragraph 0308).

Consider claim 14, as applied to claim 1. Lewis discloses a method wherein said receiving a request from an application includes: receiving first data indicative of said message; receiving second data indicative of said destination address; receiving third data indicative of said outgoing message type; and receiving fourth data indicative of an instruction to use said first data to create said outgoing message, wherein said receiving

of said first, second, third, and fourth data are not received simultaneously (paragraph 0107).

Consider claim 15, as applied to claim 1. Lewis discloses a method further comprising: determining that said outgoing message was not delivered to said destination address (paragraph 0308).

Consider claim 16, as applied to claim 1. Lewis discloses a method wherein said receiving data a request from an application includes receiving said data in accordance with a pre-established protocol (paragraph 0222).

Consider claim 17, as applied to claim 1. Lewis discloses a method further comprising: establishing a protocol indicative of how to send a message to a sender of said data (paragraph 0222).

Consider claim 19, as applied to claim 18. Lewis discloses a method wherein said protocol includes parameters for incoming message type and sender address (paragraph 0298).

Consider claim 20, as applied to claim 18. Lewis discloses a method wherein said protocol includes a parameter for a service provider to be used to send said outgoing message (paragraph 0245).

Consider claim 21, as applied to claim 18. Lewis discloses a method wherein said protocol includes a parameter for a maximum size of said outgoing message (paragraph 0225).

Consider claim 22, as applied to claim 18. Lewis discloses a method wherein said protocol includes at least one parameter for providing data to said application indicative of an error in delivery of said outgoing message to said destination address (paragraph 0308).

Response to Arguments

9. Applicant's arguments filed 22 July 2008 with respect to claims 1-11 and 13-24 have been considered but are moot in view of the new ground(s) of rejection.

The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the examiner.

Conclusion

10. Any response to this Office Action should be faxed to (571) 273 8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
/M.D.F./
September 11, 2008

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2143